

Honorable James O. Eastland, Chairman
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Senator Bayh's bill S. 1841, "To protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph-type equipment for certain purposes," has been referred to the Committee on the Judiciary for consideration. The bill would bar Federal agencies as well as private industry from administering examinations to their employees with a polygraph or other instrument which tests the veracity of statements.

The Central Intelligence Agency uses polygraph testing as a part of its security screening process for applicants as well as for its reinvestigation program. After a judgment has been made that an applicant seems to fit a manpower need of the Agency, our Office of Security conducts an investigation to determine whether the applicant meets security criteria. One of the later phases of this security investigation is an interview in which the polygraph is employed. A medical examination is also a part of the screening procedure, and for the well-being of the applicant this is completed prior to the polygraph interview on the possibility that a polygraph test might be contraindicated for medical reasons. The reinvestigation is a natural corollary to the rigid initial screening. Its purpose is to detect any hostile exploitation or subversion of "in-place" CIA employees.

In his June 2 statement accompanying the introduction of S. 1841, Senator Bayh expressed willingness to consider the need for a limited use of the polygraph in the intelligence field. I believe the need is clear in the case of the Central Intelligence Agency. The polygraph program is a highly productive element of our security program, as some sample statistics may help to illustrate: In an

analysis we conducted of the period 1963 through mid-1974, we found nearly 1800 applicants for staff or staff-type positions were rejected on security grounds; of this total, over 60% were rejected on the basis of information developed principally or solely during polygraph interviews. In a sampling of recent records, we found that 52% of applicants who had been disapproved on the basis of information developed during polygraph interviews had already completed all other security screening and been provisionally approved on this basis. Without the polygraph program, the disqualifying information on these cases would have remained unknown and these unsuitable individuals would have gained access to some of the U.S. Government's most sensitive information. In addition, I believe it is reasonable to presume that the program is a significant deterrent to application for employment by unsuitable candidates, and, more importantly, penetration attempts by foreign intelligence services.

The utility of CIA's polygraph program is not solely a function of its part in contributing information leading to the rejection of unsuitable candidates. The preponderance of polygraph interview reports are favorable. Most of these favorable reports constitute useful, and comforting, confirmation of other screening procedures; the remainder represent favorable resolutions of allegations or suspicions which otherwise could result in injustices or in unnecessary defensive measures.

We at CIA are aware of the possibilities of abuse of the polygraph program, and we have procedures in effect to forestall abuses and to protect the rights of those taking the examinations. These include:

- each applicant for employment is notified at the time of the application of the intent to use the polygraph. During applicant processing the polygraph procedure and examination coverage is fully reviewed, and then the examination is conducted only after the applicant consents to the interview;

--advance interviews with the Office of Personnel and the Office of Medical Services determine if information has been developed as a result of their screening procedures that might preclude the advisability of conducting a polygraph interview;

--the applicant is notified of the privilege against self-incrimination if a question may pertain to a violation of the criminal law;

--the general content of all polygraph test questions is reviewed before testing to assure that all questions relate directly to security considerations as outlined in Executive Order 10450;

--the applicant is told that the examination may be monitored and possibly recorded to let him know there are no hidden procedures;

--there is random monitoring by a specialized supervisor to insure that no improper questions are asked;

--polygraph records are maintained in separate files with very strict need-to-know rules governing access;

--the polygraph examiner makes no recommendation as to the security suitability of the person tested;

--the polygraph report is evaluated as but one element in the total investigative report.

In addition to the above, in order to insure that the polygraph examination program adheres rigidly to the established standards, spot interviews and occasional surveys have been conducted with applicants who have completed their polygraph tests. In one such program, several thousand female applicants were interviewed after their polygraph examinations. Feedback from these interviews was utilized to guide polygraph procedures, but the program was finally dropped because the incidence of adverse commentary was too low to justify its continuance.

Finally, the selection of polygraph officers is extremely discriminating as to their qualifications, intelligence, integrity, and high character. They are given a rigorous training program which is a continuing process to keep them abreast of developments in their professional field. To support this program, CIA has maintained a vigorous research effort inquiring into new techniques and equipment to insure that highest standards are maintained.

The National Security Agency also collects and disseminates extremely sensitive foreign intelligence information, and that agency has also found it necessary to use the polygraph as part of its security program. I believe the use of the polygraph by NSA is also fully justifiable, but I refer the Committee to NSA for the details of its program. If S. 1841 is reported to the Senate by the Judiciary Committee, I strongly urge the Committee to add the following amendment to proposed section 246 of Title 18:

"(d) This section shall not apply to Central Intelligence Agency and the National Security Agency."

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director